

### Remarks

Applicant respectfully requests reconsideration. This amendment after FINAL rejection has been submitted along with a Request for Continued Examination (RCE) and an associated fee. Therefore, prosecution on the merits is once again open. A new Information Disclosure Statement (IDS) has also been submitted, to cite art not previously cited in connection with a PCT search report.

This amendment effects changes to the claims. The status of the claims is as follows:

- Claims 1-4 and 9-10 are pending;
- Claims 1 and 9 have been amended;
- Claims 11-13 have been added.

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being obvious based on Klausner (US 6748305) in view of Seashore (US 5916286). Applicants have further amended claim 1 and assert that the rejection of claim 1 as amended should be withdrawn.

Klausner has been discussed in response to the previous Office Action. As already described, Klausner teaches a method and device for storing data in a vehicle. The device includes a "memory medium" that is connected over a vehicle data bus to various sensors and subsystems. At various points in time, the memory medium can be updated to include a potentially wide variety of information about the vehicle, including the status of its systems, the driving characteristics of its operators, and even the environmental conditions to which the vehicle is subject during its time in service.

Seashore discloses a hand-held diagnostic tool that can be configured to read vehicle information (Abstract). The diagnostic tool contains a memory into which codes can be stored for interacting with different vehicles. A user configures the diagnostic tool for interacting with a particular vehicle by selecting that vehicle type from the diagnostic tool's user interface. The diagnostic tool can then read information stored in the vehicle. See Fig. 4 and Col. 3, lines 6-24.

Claim 1 as amended differs markedly from Klausner and Seashore and is not obvious based on a combination of the two. Claim 1 as amended requires a step of

retrieving ... vehicle data bus information from a database that stores data bus information for a plurality of different types of data busses, the retrieved vehicle

data bus information being associated with the type of data bus used on the vehicle on which the telematics application is executed.

Significantly, the “retrieving” step must be performed “responsive to the requests for vehicle parameter data from the application program.” As required by claim 1 as amended, it is the application program’s request for vehicle parameter data that causes the retrieval of vehicle data bus information specific to the vehicle or interest. This stands in contrast with Seashore, wherein a user manually selects a vehicle type.

The specification provides a clear basis for this distinction at Fig 2 and paragraph [0027]:

The vehicle runtime library 28 then responds to the application request, at step 204, by retrieving the proprietary vehicle data bus information from the remote runtime database 44. The information includes, for example, the data protocol type, the access method for the parameter, value addresses, shift and mask information, return value decoding methods, scaling and unit conversion, etc.

Neither Klausner nor Seashore teaches or suggests the retrieval step recited in claim 1 as amended. Moreover, Klausner and Seashore taken together do not teach or suggest claim 1 as amended, as a whole. One simply cannot arrive at claim 1 as amended by combining Klausner with Seashore.

Therefore, the rejection of claim 1 as amended under 35 U.S.C. § 103(a) is overcome. Since claim 1 as amended has not been rejected on any other grounds, Applicants respectfully submit that claim 1 as amended is allowable.

Claims 2-4 depend from claim 1 as amended and are therefore allowable for the same reasons.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being obvious based on Klausner in view of Seashore. Applicants have amended claim 9 and assert that the rejection of claim 9 as amended should be withdrawn.

Claim 9 as amended is directed to a method of acquiring vehicle data from any of a plurality of different vehicle makes. Claim 9 as amended recites the steps of

executing a telematics application on a local telematics unit operatively connected to a vehicle;

requesting vehicle parameter data by the telematics application;

accessing, responsive to the step of requesting vehicle parameter data, a database that stores data bus information for a plurality of different vehicle makes;

querying the database to retrieve data bus information for a particular vehicle make that corresponds to the vehicle; and

extracting vehicle data from a vehicle data bus using the vehicle data bus information.

Neither Klausner nor Seashore teaches or suggests the recited steps of requesting, accessing, querying, and extracting. Although Seashore's diagnostic tool stores information about interacting with different vehicles, it does not perform, *inter alia*, a step of "accessing, responsive to the step of requesting vehicle parameter data, a database that stores data bus for a plurality of different vehicle makes." This aspect of claim 9 as amended simply cannot be gleaned from a combination of Klausner and Seashore.

Therefore, claim 9 as amended is not obvious based on the combination of Klausner and Seashore, and the rejection of claim 9 as amended under 35 U.S.C. § 103(a) should be withdrawn. As claim 9 as amended has not been rejected based on any other grounds, Applicants respectfully submit that claim 9 as amended is allowable.

Claim 10 depends from claim 9 as amended and is allowable for the same reasons.

Claims 11-13 have been newly added. Claims 11-13 depend from claim 9 as amended and are thus allowable for the same reasons as applied to claim 9 as amended. Support for claim 11 can be found at paragraph [0029]:

The information retrieval potentially occurs many times throughout the application execution providing vehicle data bus access to the application via the runtime library.

Support for claim 12 can be found at paragraph [0028]:

The retrieval, at step 204, is accomplished by establishing a wireless link through the open-standard services delivery platform, to the remote server 42. The server then queries the database 44 for the appropriate vehicle data bus information, and downloads it to the TCU runtime library 28 via the wireless link.

Support for claim 13 can be found at paragraph [0020]:

The telematics unit 14 preferably employs an open-standard services delivery platform, such as that specified by the Open Services Gateway Initiative (OSGi). The platform provides a flexible delivery mechanism over wide area networks to local networks and devices.

*Conclusion:*

Applicant contends that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "B. D. R.", followed by a long horizontal flourish.

Bruce D. Rubenstein  
Reg. No. 39,349  
Attorney for Applicant

Atty. Docket : TERAD-11-US  
Telephone : 781-274-0202  
Fax : 781-274-0201